

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CSX TRANSPORTATION, INC.

500 Water Street

Jacksonville, FL 32202-4423

Plaintiff

v.

PORT ERIE PLASTICS, INC.

909 Troupe Road

Harborcreek, PA 16421

Defendant.

CIVIL ACTION

CAUSE NO.: 05-139 Erie

**ORDER**

AND NOW, this       day of       , 2005, upon consideration of Defendant's Motion To Dismiss and the memoranda of law filed in support thereof and in opposition thereto, and upon determination that said Motion is DENIED,

IT IS HEREBY ORDERED that defendant file an answer to the Complaint herein within ten (10) days of the entry this Order.

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Sean J. McLaughlin  
United States District Judge